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8 Attorney for Plaintiff
9 GALLOWS ROAD MOVIE LLC, a
10 Texas Limited Liability Company

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GALLOWS ROAD MOVIE LLC, a Texas) CASE NO. 2:23-CV-9047
Limited Liability Company,)
Plaintiffs,) COMPLAINT FOR:
vs.) COPYRIGHT INFRINGEMENT
V CHANNELS CORP., a Delaware)
corporation; MARIO NICCOLO)
MESSINA, an individual.)
Defendants.)

Plaintiff GALLOWS ROAD MOVIE LLC, A Texas Limited Liability
Company, hereby alleges as follows:

THE PARTIES

1. Plaintiff GALLOWS ROAD MOVIE LLC ("Plaintiff") or
("GRM") is a limited liability company organized and existing under
the laws of the State of Texas with its principal place of business
in the City of Aledo, Parker County, Texas. All of the individual
members of GRM are domiciled in the State of Texas.

2. Plaintiff is informed and believes and based thereon
alleges that defendant V CHANNEL CORP. ("VCC") is a corporation

1 organized and existing under the laws of the State of Delaware with
2 its principal place of business in the city of Beverly Hills in the
3 County of Los Angeles, California. Plaintiff is further informed
4 and believes and based thereupon alleges that defendant VCC does
5 business under the fictitious business name "V Channels Media".

6 3. Plaintiff is informed and believe and based thereon
7 allege that defendant MARIO NICCOLO MESSINA ("MESSINA") is an
8 individual who is domiciled in the city of Santa Clarita in the
9 County of Los Angeles, California. Plaintiff is further informed
10 and believes that defendant MESSINA is the Chief Executive Officer,
11 Chief Financial Officer and Secretary of defendant VCC.

12 **JURISDICTION & VENUE**

13 4. This Court has exclusive jurisdiction over Plaintiff's
14 claims under 28 U.S.C. §1338 in that the copyright infringement
15 claims alleged arise under the Copyright Act of the United States,
16 17 U.S.C. §501 et seq.

17 5. Venue is proper in this judicial district pursuant to 28
18 U.S.C. 1400(a) because Defendants reside in or may be found in this
19 judicial district.

20 **FIRST CLAIM FOR RELIEF**

21 (Copyright Infringement - Against All Defendants)

22 6. GRM is the owner of the copyrighted motion picture
23 entitled *Gallows Road* (the "Film"). The copyright for the Film is
24 registered with the United States Copyright Office under Copyright
25 Registration #PA0001984580. A copy of the registration information
26 from the Copyright Office is attached hereto as Exhibit "A" and
27 incorporated herein by this reference as though set forth in full.

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1 7. The Film, which was produced and publicly released in the
2 United States in 2015, has won multiple awards, including the 2015
3 International Christian Film Festival award for Best Feature. The
4 Film is also Dove Approved by dove.org, which provides faith and
5 family focused reviews of films.

6 8. The Film is available for viewing on multiple streaming
7 platforms in the United States, including Apple TV, Amazon Prime
8 Video, amongst others.

9 9. Plaintiff has recently learned that a high definition
10 digital copy of the Film with Spanish and Portuguese language dubs
11 was being hosted on various channels on Youtube and available in
12 various Spanish and Portuguese language markets. In order to avoid
13 detection, the Film was renamed.

14 10. Plaintiff has never created a Spanish or a Portuguese
15 language version of the Film, nor has Plaintiff authorized or
16 licensed anyone to create a Spanish or Portuguese language version
17 of the Film. These Spanish and Portuguese works are unauthorized and
18 infringe upon Plaintiff's exclusive rights under the Copyright Act,
19 including Plaintiff's rights to reproduce, adapt, publish, and
20 display.

21 11. Plaintiff has learned that each of these YouTube channels
22 are owned and controlled by defendant VCC. The infringing works
23 were found at the following YouTube URL's:

24 SPANISH

25 <http://www.youtube.com/watch?v=yiLAnCLvZi0> ("SP Ver. 1")

26 <http://www.youtube.com/watch?v=kNH4-hGC9M0> ("SP Ver. 2")

27 <http://www.youtube.com/watch?v=CnNT3MUm5JA> ("SP Ver. 3")

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1 12. Plaintiff has filed strike requests under the Digital
2 Millenium Copyright Act with YouTube, which has been hosting the
3 infringing films, for the Spanish versions referred to *infra*,
4 Paragraph 11. These versions have been taken down as of the time of
5 filing. However, defendant MESSINA has challenged the validity of
6 the takedown request, falsely claiming to have a license to
7 distribute the Film.

8 13. Prior to the take downs by YouTube, the Spanish versions
9 had accumulated a total of 4,723,784 views. A screen shot for SP
10 Ver. 1 is attached hereto as Exhibit "B" and incorporated herein by
11 reference. SP Ver. 1 had a total of 4,643,257 views before it was
12 taken down. A screen shot for SP Ver. 2 is attached hereto as
13 Exhibit "C" and incorporated herein by reference. SP Ver. 2 had a
14 total of 56,570 views before it was taken down. A screen shot for
15 SP Ver. 2 is attached hereto as Exhibit "D" and incorporated herein
16 by reference. SP Ver. 2 had a total of 23,777 views before it was
17 taken down.

18 14. Plaintiff also discovered the Film being displayed on
19 channels owned by VCC wherein the Film had been dubbed in
20 Portugese. Links to the Portugese channel versions are as follows:

21 PORTUGESE

22 <https://youtu.be/7u9I06KE6aw?%0Asi=GOE3z-L2iRYIE5Pj>

23 <https://youtu.be/V-;FbvScKz8?>

24 <https://youtu.be/omYXnXZwRq4?%0Asi=5TNFM0EtgdgcCf0wA>

25 15. Plaintiff is in the process of preparing and filing
26 strike requests for the Portugese versions. Each of the foregoing
27 versions have apparently been taken down by either YouTube or
28 Defendants.

1 16. Plaintiff is informed and believes and based thereupon
2 alleges that defendant MESSINA authorized, directed and personally
3 participated in the infringing acts alleged herein, that he was the
4 "guiding spirit" behind the infringing conduct, and that he was
5 VCC's central figure in the infringement of the Film.

6 17. Plaintiff is informed and believes and based thereupon
7 alleges that due to the high number of views, Defendants' channels
8 on YouTube were monetized, and that Defendants were paid by YouTube
9 for views of the film in an unknown amount.

10 18. Plaintiff did not authorize Defendants' copying, display
11 or distribution of the Film.

12 19. Defendants infringed the copyrights in Plaintiff's
13 creative works by reproducing, distributing and/or publicly
14 displaying the Film by and through various YouTube channels that it
15 owned and controlled without proper approval or authorization of
16 Plaintiff.

17 20. Defendants knew the infringed works belonged to Plaintiff
18 and that they did not have permission to exploit Plaintiff's works.

19 21. Defendants knew that their acts constituted copyright
20 infringement.

21 22. Defendants' conduct was willful within the meaning of the
22 Copyright Act.

23 23. As a result of their wrongful conduct, Defendants are
24 liable to Plaintiff for copyright infringement pursuant to 17
25 U.S.C. §501. Plaintiff has suffered, and will continue to suffer,
26 substantial losses, including but not limited to damage to its
27 business reputation and goodwill.

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1 24. Plaintiff is entitled to recover damages, which include
2 its losses and any and all profits Defendants have made as a result
3 of its wrongful conduct pursuant to 17 U.S.C. §504. Alternatively,
4 Plaintiff is entitled to statutory damages under 17 U.S.C. §504(c).

5 25. In addition, because Defendants' infringement was
6 willful, the award of statutory damages should be enhanced in
7 accordance with 17 U.S.C. §504(c)(2).

8 26. Plaintiff is also entitled to recover its attorneys' fees
9 and costs pursuant to 17 U.S.C. §505.

10 WHEREFORE, plaintiff GALLows ROAD MOVIE LLC pray judgment
11 against the defendants, and each of them, as follows:

12 1. For Plaintiff's damages and Defendants' profits pursuant
13 to 17 U.S.C. §504(b), or in the alternative, enhanced statutory
14 damages pursuant to 17 U.S.C. §504(c)(2), for Defendants' willful
15 infringement of Plaintiff's copyrights;

16 2. For an order of injunctive relief against Defendants,
17 their agents, representatives, servants, employees, attorneys,
18 successors and assigns, and all others in active concert or
19 participation with them, that they be enjoined and restrained from
20 copying, posting or making any other infringing use or infringing
21 distribution of audiovisual works, photographs or other materials
22 owned by or registered to Plaintiff;

23 3. That the Court enter an order of impoundment pursuant to
24 17 U.S.C. §503 and §509(a) impounding all infringing copies of
25 Plaintiff's audiovisual works, photographs or other materials,
26 which are in Defendants' possession, custody or control;

27 4. For attorneys' fees incurred by Plaintiff in prosecuting
28 this action pursuant to 17 U.S.C. §504;

1 5. For costs of suit; and

2 6. For such other and additional relief as is just and

3 proper.

4 Dated: October 26, 2023

KYLE P. KELLEY P.C.

5 By: 
6 Kyle P. Kelley
7 Attorney for Plaintiff
GALLows ROAD MOVIE LLC

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